



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

June 16, 2025

BY ECF

The Honorable Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Avraham Eisenberg*, 23 Cr. 10 (AS)

Dear Judge Subramanian:

The Government respectfully submits this letter motion to request a 30-day extension of the deadline to appeal the judgment entered by this Court on May 23, 2025. The defendant consents to this request.

Pursuant to Federal Rule of Appellate Procedure 4(b)(1)(B)(i) and Title 18, United States Code, Section 3731, the Government must file its notice of appeal within 30 days after the entry of the judgment being appealed. Accordingly, the Government's deadline to file a notice of appeal is Friday, June 23, 2025.

The Federal Rules of Appellate Procedure provide that “[u]pon a finding of excusable neglect or good cause, the district court may – before or after the time has expired, with or without motion and notice – extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).” Fed. R. App. P. 4(b)(4). In this case, the Government submits that good cause exists for a 30-day extension because the decision whether or not to appeal the judgment rests with the Office of the Solicitor General, which has not yet reported to this Office its final determination as to whether the matter should be appealed (and may not do so before the deadline). In the absence of an extension, this Office is required by Department policy to protect the Government's appellate rights by filing a timely notice of appeal, the effect of which would be to cause the District Court and the Court of Appeals to go to the effort of transferring the district court record and docketing the appellate case. That work could prove to be unnecessary if the Office of the Solicitor General thereafter directs this Office not to pursue an appeal. Accordingly, the Government seeks the requested extension to enable the Solicitor General's Office to complete its review and approval process without the need for such an appeal to be filed. If the Court grants the extension, the new deadline to file a notice of appeal will be Monday, July 23, 2025. The Government has conferred with the defense about this request, and the defense has consented.

A proposed order is attached for the Court's consideration.

Respectfully submitted,

JAY CLAYTON
United States Attorney

by: /s/ Thomas Burnett
Thomas Burnett
Peter Davis
Assistant United States Attorneys

Tian Huang
Special Assistant United States Attorney

cc: Defense counsel (by ECF)